

What's Next?

NEPA and other Federal Laws and the Process

Lots of Alphabet Soup!!

- NEPA – National Environmental Policy Act
 - Federal agencies are required to determine the “effect of their actions on the human environment”
 - Socially
 - Economically
 - Natural Resources
 - Historic Resources
 - Scoping is where the agency asks for initial input from “the public” (agencies, government, citizens, non-profits) with information about the project area, resources, etc.

What happens after scoping?

- Resource studies
 - Natural resources (fisheries, benthic communities)
 - Archeology
 - Geology
- Consultation under Federal laws – ESA, EFH, SHPO, MMPA, CZMA
- Corps/local sponsor/MMS prepare draft document (referred to as NEPA document)
- Draft released to the “public” for comment
- Comment period usually between 45-60 days

NEPA

(National Environmental Policy Act)

- Applies to all Federal Actions
 - Federal Projects
 - Federal Funding
 - Federal Permit or Authorization
- Requires
 - Environmental Impact Statement or
 - Environmental Assessment or
 - Categorical Exclusion
- Emergency Procedures

EIS (Environmental Impact Statement)

- Highest Level of Examination
- Federal Actions “Significantly Affecting the Quality of the Human Environment”
- Prescribed Format/Content
- Prescribed Process and Timetable

When to do an EIS

- Test for Significance (40 CFR 1508.27)
 1. Beneficial and Adverse effects
 2. Public Health and Safety
 3. Uniqueness of Area
 4. Controversy
 5. Uncertain, Unique, or Unknown Risks
 6. Precedent for Future Actions
 7. Cumulative Impact
 8. Scientific, Cultural, or Historic Resources
 9. Endangered or Threatened Species
 10. Threaten Violation of Federal Environmental Law

EIS Process

- Scoping
 - Notice of Intent to prepare an EIS – Federal Register (FR)
 - May include meetings with agencies & public
 - Scoping letter, meetings – comment period 30-60 days
- Notice of Availability of Draft EIS – FR
 - 45-60 day comment period
 - Usually a public meeting/hearing held during comment period
 - Comments received (from all sources) are reviewed and incorporated into the Draft EIS
- Final EIS announced in FR
 - 30 day comment period
 - New, substantive comments are addressed
 - Record of Decision (ROD) is signed and published
- Usually takes about one year to complete process

EA (Environmental Assessment)

- For Less Impactive Activities
- Shorter Timetable
- Less Rigid Process
- May Conclude with a Finding of No Significant Impact – FONSI (an EIS is not required)
- May Conclude that an EIS is Required

EA Process

- Format and Timetable
 - Format Similar to EIS
 - 1 to 6 Months or Longer
- Public and Agency Involvement
 - Draft EA and FONSI May Have 30-day Comment Period
 - Public Notice
- May Not Conclude in a FONSI – may require an EIS if a FONSI can not be reached.

Where are we under NEPA for this project?

- Step #1 - SCOPING
 - Determines “Level” of evaluation under NEPA
 - Environmental Assessment
 - Environmental Impact Statement

What's the next step?

- After the scoping meetings and comment period -
 - The Corps and local sponsor will determine what level of NEPA needs to be done
 - Studies that will input data into the NEPA document
 - Geotechnical
 - Archeological
 - Biological

Resources

- Dade County BEC Project Environmental Documents –
 - http://planning.saj.usace.army.mil/envdocs_A-D/Dade_Co/DadeCountyBeachErosionControlProjectED/index.html
- Minerals Management Service Report on Central Florida sand sources – including St. Lucie Shoal
 - <http://www.mms.gov/sandandgravel/FloridaStudyReport.htm>

Address for comments

Mailing –

US Army Corps of Engineers

Jacksonville District

PO Box 4970

Jacksonville, Florida 32232

Physical (Fedex)

701 San Marco Blvd

Jacksonville, Florida 32207-8175